

REMARKS

Rejection of the claims under 35 USC 102:

Claims 5, 7, 8 and 21 have been rejected under 35 U.S.C. 102(e) as being anticipated by Adams et al. (U.S. Patent Publication 20050153926). Applicants respectfully disagree. While Adams et al. teach that the polymer may be modified by attachment of a monovalent moiety and the such modification may alter the physicochemical characteristics of the polymer, Adams et al. do not teach a membrane active polyanion capable of lysing mammalian cell membranes. Adams et al. teaches only polycations having membrane activity (paragraphs 0136, and 0147-0151). Also, Adams et al. do not teach a polyanion that is membrane active at pH 6.5. Adams et al. only teach that a polymer may have moieties that are cleavable at slightly acidic pH such that the polymer is cleaved into smaller fragments (paragraph 0045). Applicants request reconsideration of the rejection.

Rejection of the claims under 35 USC 103:

Claims 12, 16, 17 and 22 have been rejected under 35 U.S.C. 103(a) as being anticipated by Adams et al. in view of Tonge et al. (U.S. Patent 6,436,905). It is the Applicants' opinion that Adams et al. does not teach or provide motivation for a membrane active polyanion capable of lysing mammalian cell membranes at pH 6.5. Tonge et al. only teach the use of a lipid-containing composition. Tonge et al. state that their lipid-containing compositions solubilize certain substances and are especially useful for producing aqueous solutions of substances that are lipid soluble but have poor aqueous solubility. There is no suggestion in Tonge et al. that their polymers would be useful in the absence of their lipid formulation. Applicants request reconsideration of the rejection.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 5, 7, 8, 12, 16-17 and 21-22 should be allowable.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted to the USPTO on this date: 07/01/2008.

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